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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CENTRAL DIVISION

SIOUX CITY DIV. OFFICE

BY: [Signature]

MARIA BERGDALE,

Plaintiff,

vs.

UNI-SELECT USA, INC., f/k/a
AUTOMOTIVE NORTHERN
WAREHOUSE, INC.,

Defendant.

No. C 00-3069-MWB

VERDICT FORM

PART I: LIABILITY

On the claims of plaintiff Maria Bergdale, we, the Jury, find as follows:

FAILURE TO PROVIDE REASONABLE ACCOMMODATION		VERDICT
Step 1: Verdict	On the claim of failure to provide reasonable accommodation for Ms. Bergdale's disability, as explained in Final Jury Instruction No. 6, in whose favor do you find?	<input checked="" type="checkbox"/> Ms. Bergdale <input type="checkbox"/> Uni-Select
Step 2: Major life activity	<i>If you found in favor of Ms. Bergdale on this claim, in what one or more "major life activities" do you find that she was "substantially limited," as explained in Final Jury Instruction No. 4? (Remember, you should only consider the "major life activity" of "working," if you find that Ms. Bergdale is not substantially limited in any other major life activity.)</i>	<input checked="" type="checkbox"/> lifting <input type="checkbox"/> standing <input type="checkbox"/> walking
		OR
		<input type="checkbox"/> working
Step 3: Failure to accommodate	<i>If you found in favor of Ms. Bergdale on this claim, what one or more "reasonable accommodations" do you find that the defendant failed to provide, as "reasonable accommodation" is explained in Final Jury Instruction No. 5?</i>	<input checked="" type="checkbox"/> A transfer to another available position <input type="checkbox"/> A combination of jobs to make a full-time position

ADVERSE EMPLOYMENT ACTION BECAUSE OF DISABILITY		VERDICT
Step 1: Verdict	On the claim of adverse employment action because of disability, as explained in Final Jury Instruction No. 9, in whose favor do you find?	<input checked="" type="checkbox"/> Ms. Bergdale <input type="checkbox"/> Uni-Select
Step 2: Disability	<i>If you found in favor of Ms. Bergdale on this claim, what type of disability do you find that she had, as types of "disability" are defined for you in Final Jury Instruction No. 4?</i>	<input checked="" type="checkbox"/> Actual disability <input type="checkbox"/> Record of disability <input type="checkbox"/> Perceived disability
Step 3: Major life activity	<i>If you found in favor of Ms. Bergdale on this claim, in what one or more "major life activities" do you find that she was actually, had a record of being, or was perceived to be "substantially limited," as explained in Final Jury Instruction No. 4? (Remember, you should only consider the "major life activity" of "working," if you find that Ms. Bergdale is not, had no record of, and was not perceived to be, substantially limited in any other major life activity.)</i>	<input checked="" type="checkbox"/> lifting <input type="checkbox"/> standing <input type="checkbox"/> walking
		OR
		<input type="checkbox"/> working
Step 4: Adverse employment action	<i>If you found in favor of Ms. Bergdale on this claim, what "adverse employment action" or actions of Uni-Select do you find were motivated by her disability, as "adverse employment actions" are explained in Final Jury Instruction No. 7, and "motivating factor" is explained in Final Jury Instruction No. 8?</i>	<input type="checkbox"/> Constructive discharge <input checked="" type="checkbox"/> Failure to transfer to a different position
RETALIATION FOR FILING WORKERS COMPENSATION CLAIMS		VERDICT
Step 1: Verdict	On the claim of retaliation for filing workers compensation claims, as explained in Final Jury Instruction No. 10, in whose favor do you find?	<input type="checkbox"/> Ms. Bergdale <input checked="" type="checkbox"/> Uni-Select
Step 2: Adverse employment action	<i>If you found in favor of Ms. Bergdale on this claim, for what "adverse employment action" or actions of Uni-Select was Ms. Bergdale's filing of workers compensation claims the "determining factor," as "adverse employment actions" are explained in Final Jury Instruction No. 7, and "determining factor" is explained in reference to <i>element three</i> in Final Jury Instruction No. 10?</i>	<input type="checkbox"/> Constructive discharge <input type="checkbox"/> Failure to transfer to a different position

If you have found in favor of plaintiff Maria Bergdale on one or more of her claims, then continue with Part II of this Verdict Form to award damages on the claim or claims on which she has prevailed. However, if you found in favor of defendant Uni-Select on *all* of Ms. Bergdale's claims, do not complete Part II of this Verdict Form. Instead, sign the Verdict Form and notify the Court Security Officer that you have reached a verdict.

PART II: DAMAGES

On the claim or claims on which plaintiff Maria Bergdale has prevailed, we, the Jury, award damages as follows:

COMPENSATORY DAMAGES		AMOUNT
Step 1: Emotional distress damages	(a) What emotional distress damages, if any, do you award for <i>failure to provide reasonable accommodation</i> , as such damages are explained in Final Jury Instruction No. 12? (Remember, to avoid duplication of damages, you must not award emotional distress damages for termination under this item of damages.)	\$ <u>10,000.</u>
	(b) What emotional distress damages, if any, do you award for <i>termination</i> , as such damages are explained in Final Jury Instruction No. 12 (Remember, to avoid duplication of damages, you must not award emotional distress damages for failure to provide reasonable accommodation under this item of damages.)	\$ <u>0</u>
Step 2: Backpay	What amount of backpay damages, if any, do you award, as backpay is explained in Final Jury Instruction No. 12?	\$ <u>0</u>
PUNITIVE DAMAGES		AMOUNT
Claim 1	What amount of punitive damages, if any, do you award on Ms. Bergdale's claim of failure to provide reasonable accommodation for her disability, as punitive damages are explained in Final Jury Instruction No. 13?	\$ <u>245,000</u>
Claim 2	What amount of punitive damages, if any, do you award on Ms. Bergdale's claim of adverse employment action because of her disability, as punitive damages are explained in Final Jury Instruction No. 13?	\$ <u>245,000</u>
Claim 3	What amount of punitive damages, if any, do you award on Ms. Bergdale's claim of retaliation for filing workers compensation claims, as punitive damages are explained in Final Jury Instruction No. 13?	\$ <u>0</u>
	If you awarded punitive damages on this claim, was the conduct at issue in this claim directed specifically at the plaintiff?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

We intended to award punitive damages in an amount \$490,000.
Totally

Date: 07-19-02

Time: 5pm